

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No.: 08-109 (1) (RHK/RLE)

Plaintiff,

ORDER

vs.

Robin Greg Kelly, Sr.,

Defendant.

Before the Court is “Defendant’s Objection to the Magistrate’s Report and Recommendation.” Chief Magistrate Judge Erickson has recommended that Defendant’s Motions to Dismiss for Destruction of Evidence and to Suppress Statements, Admissions, and Answers be denied. The parties have submitted memoranda in support of, and in opposition to the Defendant’s Motions.

The Court has reviewed de novo Judge Erickson’s Report and Recommendation and Defendant’s Objection thereto. Based on that review, the Court concludes that Judge Erickson’s recommended disposition of the pending Motions should be affirmed.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Defendant’s Objection (Doc. No. 62) is **OVERRULED**;
2. The Report and Recommendation (Doc. No. 58) is **ADOPTED**;
3. Defendant’s Motion to Dismiss for Destruction of Evidence (Doc. No. 39) is **DENIED**; and
4. Defendant’s Motion to Suppress Statements, Admissions, and Answers (Doc. No. 37) is **DENIED**.

Dated: December 23, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge